

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7893

BILL NUMBER: SB 480

NOTE PREPARED: Apr 5, 2005

BILL AMENDED: Apr 4, 2005

SUBJECT: Election Administration Issues.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR: Rep. Thomas

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

The bill provides that personal service upon an individual in a state recount or contest proceeding is not required if the individual's attorney has filed an appearance with the Election Division and is provided with service. The bill makes the provision imposing the 1% requirement to determine the amount of the cash deposit needed for a recount consistent for both petitions and cross-petitions. The bill permits certain parties to a recount or contest to file a joint motion to dismiss before the completion of the recount or contest. The bill specifies that recounts and contests may be conducted and votes counted for an office only in a precinct within the election district for the office.

The bill provides that an individual whose eligibility to vote in a precinct is challenged by affidavit, who is voting under a court order extending polling hours, or who has failed to present the identification required under the HAVA must (rather than is entitled to) cast a provisional ballot instead of a regular official ballot. Makes other changes relating to procedures for processing provisional ballots. The bill permits the Election Division to authorize county adoption of a proposed precinct establishment order submitted by a county if a voter of the county does not file an objection to the proposed order. The bill authorizes the Secretary of State, as the state's chief election officer, to enter a polling place unless the Secretary of State is a candidate for nomination or election to an office at the election.

The bill amends statutes relating to impoundment of records and equipment by order of the State Recount Commission. The bill provides that the State Recount Commission's authority, in case of fraud or misconduct, to order that none of the ballots cast in a precinct be counted applies to ballots cast by any voting method. The

bill eliminates the requirement that the Governor and the Lieutenant Governor take the oath of office in the presence of both Houses of the General Assembly. The bill removes certain obsolete references. The bill repeals a provision stating that the law relating to the administrative complaint procedure under the Help America Vote Act applies after December 31, 2003.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: (Revised) *Election Division:* Under the bill, the Election Division would no longer be required by statute to prepare and distribute paper ballots for election or retention of persons to federal or state offices or for public questions. This provision would present a minimal savings for the Election Division. Under the bill, the Election Division would be allowed to administratively handle precinct orders in counties. This provision should minimally impact Election Division expenditures.

Background Election Division: The Division does continue to print ballots for counties that do not produce optical scan ballot cards for absentee voters.

The Election Division had printing costs of about \$260 for forms and \$2,200 for non-forms in FY 2004.

State Police: Under the bill, if an attorney has filed for an appearance that concerns a recount with the Election Division on behalf of a candidate, the Indiana State Police would be required to serve notice on the attorney for the candidate.

Background State Police: As of December 6, 2004, the Indiana State Police (ISP) had 1,882 total employees including 1,787 full-time, and 95 employees on leave. The ISP reverted \$2.7 M back to the state General Fund at the end of FY 2004.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Under the bill, county executives would be required to give notice in newspapers of precinct boundary changes (including instructions for filing an objection with the Election Division.) This provision should impact local expenditure minimally.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Division, Indiana State Police.

Local Agencies Affected: Counties.

Information Sources: *State of Indiana HRM Detail Staffing Report, December, 2004*; State Budget Agency: *FY2004 General and Rainy Day Fund Summaries*;

Fiscal Analyst: Chris Baker, 317-232-9851.